



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

May 15, 2013

Mary K. Bailey
62 Bailey Way
Brewster, WA 98812-9622

Re: Seasonal Change Authorization No. CS3-00481C@2 (for 2013 and 2014 seasons only).

Dear Ms. Bailey:

DECISION: This SEASONAL CHANGE AUTHORIZATION to change the point of diversion to Government Lot 3 of Section 36, T. 30 N., R. 23 E.W.M., and the place of use to the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1, T. 29 N., R. 23 E.W.M., the N $\frac{1}{2}$ NW $\frac{1}{4}$, the W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ all in Section 6, T. 29 N., R. 24 E.W.M., and the SW $\frac{1}{4}$ and the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 31, T. 30 N., R. 24 E.W.M., all in Douglas County, for 30 acres and frost control as required, during the period April 1 to October 15, at a maximum instantaneous diversion rate of 1.5 cfs, and a maximum quantity of 153.5 ac-ft plus frost protection as needed for the 2013 and 2014 irrigation seasons is GRANTED subject to the following provisions and conditions:

Department of Fish and Wildlife

1. No dam or weir shall be constructed in connection with this diversion.
2. The intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria. <http://www.wdfw.wa.gov/reg/regions.htm>

Quantity Limits, Flow and Regulation

3. This change does not authorize an enlargement of the diversion rate in cubic feet per second or quantity in acre-feet per year as described in No. S3-00481C.
4. The original place of use of No. S3-00481C shall be fallowed for the duration of the 2013 and 2014 irrigation seasons. Irrigation occurring during the 2013 or 2014 irrigation seasons (April 1 to October 15) in the original place of use of No. S3-00481C shall constitute a violation of the terms of this authorization, and will result in its immediate termination. Other enforcement actions, including but not limited to fines and/or penalties, may also follow as a result of a violation.

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Schedule and Inspections

5. This Seasonal Change Authorization shall expire at the end of the 2014 irrigation season, being October 15, 2014, at which time the place of use and point of diversion shall revert back to that described under No. S3-00481C.
6. Department of Ecology (Ecology) personnel may field-verify this seasonal change at any time for compliance with the terms and/or conditions of this authorization.
7. Department of Ecology (Ecology) personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

General Conditions

8. You are advised that the issuance of this Seasonal Change Authorization by Ecology does not convey a right of access to, or other right to use land, which you do not legally possess. Obtainment of such a right is a private matter between the applicant and the owner of the land.
9. The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.
10. Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances or regulations.
11. Ecology assumes no liability for the purchase and/or construction of any permanent facilities in conjunction with this Seasonal Change Authorization. Applicants for seasonal change should not construe that a seasonal change will result in the granting of a permanent change of water right.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this document:

- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- Serve a copy of your appeal and this decision in paper form - by mail or in person. (See address below.) E-mail is not accepted.

Ms. Bailey
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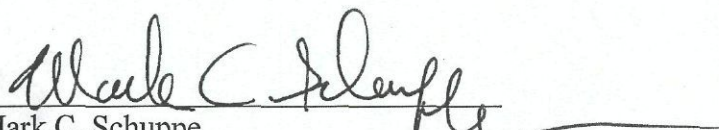
You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 Pollution Control Hearings Board 1111 Israel RD SW Ste 301 Tumwater, WA 98501	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>
To find laws and agency rules visit the Washington State Legislature Website: <http://www.l.leg.wa.gov/CodeReviser>

DATED this 15th day of May, 2013.


Mark C. Schuppe
Operations Manager
Office of Columbia River

TP:MCS:RAZ (130508)

Enclosure: *Your Right to Be Heard*

By certified mail: 7009 2250 0004 4950 7716

Cc: Lois Trevino, Colville Confederated Tribes
Mark Miller, The Land Company
Ralph Dobson

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MARY K. BAILEY
62 BAILEY WAY
BREWSTER WA 98812-9622

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits. **130-058**

1. Article Addressed to:

MARY K. BAILEY
62 BAILEY WAY
BREWSTER WA 98812-9622

2. Article Number
(Transfer from service label)

7009 2250 0004 4950 7716

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Chris Bailey

☐ Agent
☐ Addressee

B. Received by (Printed Name)

Chris Bailey

C. Date of Delivery

5/21/13

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes